

REMARKS

This application pertains to a novel hotmelt pressure sensitive adhesive, which is characterized by a low shrinkback after extrusion coating.

Claims 1 - 5 and 7-29 are pending.

Claims 10-15 and 18-29 have been withdrawn from consideration as drawn to a non-elected invention, so that the claims under examination are claims 1-5, 7-9 and 16-17.

Applicants note with appreciation that the non-elected subject matter will be rejoined with the elected subject-matter upon allowance of elected subject-matter, and repeat their request for said rejoinder.

Claims 1, 3, 5, 7-9, 16 and 17 stand rejected under 35 U.S.C. 102(e) as anticipated by Raether et al (U.S. Pub. No. 2003/0170306).

This reference is the National Stage of PCT/EP01/06712. The U.S. filing or 371(c) date of this application is April 21, 2003 (see the attached PAIR print-out). Applicants' priority date is March 18, 2003. U.S. Pub. No. 2003/0170306 is therefore antedated by Applicants' priority date. A certified translation of Applicants' priority document will be filed in the near future to perfect their claim to their priority date. U.S. Pub. No. 2003/0170306 is therefore not available as a reference against the present application, and this rejection should be withdrawn.

For the same reason, the rejection of claim 2 under 35 U.S.C. 103(a) as obvious over U.S. Pub. No. 2003/0170306 in view of Yamamoto et al (U.S. Patent No. 6,432,475), the rejection of claim 4 under 35 U.S.C. 103(a) as obvious over U.S. Pub. No. 2003/0170306 in view of Hirasawa (JP-20011262105 translation) and the rejection of claim 4 under 35 U.S.C. 103(a) as obvious over U.S. Pub. No. 2003/0170306 in view of Petrie "Handbook of Adhesives and Sealants" and further in view of Massow et al (U.S. Patent No. 5,194,455) should also be withdrawn.

Even if U.S. Pub. No. 2003/0170306 was available as a reference against the present application it would not render the present claims anticipated or obvious, whether taken alone or in combination with the secondary references cited.

Nowhere in U.S. Pub. No. 2003/0170306 is there any teaching or suggestion of a hotmelt pressure-sensitive adhesive;

Nowhere in U.S. Pub. No. 2003/0170306 is there any teaching or suggestion of a hotmelt pressure-sensitive adhesive having an acrylate component which is formed from monomers comprising at least 50 % by weight of the acrylic or methacrylic ester of Applicants' formula I; and

Nowhere in U.S. Pub. No. 2003/0170306 is there any teaching or suggestion of a hotmelt pressure-sensitive adhesive having an acrylate component which is substantially free of polar groups.

Moreover, U.S. Pub. No. 2003/0170306 discloses virtually an infinite number of compositions and uses. Given the fact that U.S. Pub. No. 2003/0170306 does not specifically disclose the hotmelt pressure-sensitive adhesive of Applicants' claims, and given the vast number of compositions and uses that are disclosed, there is nothing in said reference that would lead those skilled in the art to Applicants' specific composition. (In re Balrd, 29 USPQ2d 1550). In this regard, it should be noted that the language concerning pressure-sensitive adhesives pointed to by the Examiner at page 20 of U.S. Pub. No. 2003/0170306 does not mention acrylates, let alone acrylate components formed from monomers comprising at least 50% by weight of the acrylic or methacrylic ester of Applicants' formula 1. The only compositions mentioned by U.S. Pub. No. 2003/0170306 in conjunction with pressure-sensitive adhesives are styrene and 1,3-dienes. In addition, no mention is made of hot melt pressure-sensitive adhesives.

Accordingly, even if not antedated by Applicants' priority date, the foregoing reference and combinations of references would not render Applicants' claims anticipated or obvious.

In view of the present remarks it is believed that claims 1-5 and 7-29 are now in condition for allowance. Reconsideration of said claims by the Examiner is respectfully requested and the allowance thereof is courteously solicited.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, Applicants request that this be considered a petition therefor. Please charge the required petition fee to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fee or credit any excess to Deposit Account No. 14-1263.

Respectfully submitted,
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Encl.- PAIR printout for US National Stage of PCT/EP01/06712 (2 sheets)
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By 

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